

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

GEORGE A. JACKSON, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 05-823 KAJ
	)	
STANLEY TAYLOR, JOYCE TALLEY,	)	
TONY FIGARIO, and CARL ANSON,	)	
	)	
Defendants.	)	

**ORDER**

WHEREAS, Plaintiffs filed a civil rights action pursuant to 42 U.S.C. § 1983, Defendants Stanley Taylor ("Taylor"), Joyce Talley ("Talley"), and Carl Anson ("Anson") were served, the return was returned unexecuted as to Defendant Tony Figario, and on September 8, 2006, an answer was filed by Defendants Taylor, Talley, and Anson (D.I. 2, 107, 109, 110, 111, 113);

WHEREAS, on September 13, 2006, Plaintiffs filed a document entitled as an amended complaint, but that was docketed as a motion to amend (D.I. 114);

WHEREAS, "[a]fter amending once or after an answer has been filed, the plaintiff may amend only with leave of the court or the written consent of the opposing party, but 'leave shall be freely given when justice so requires.'" *Shane v. Fauver*, 213 F.3d 113, 115 (3d Cir. 2000) (quoting Fed. R. Civ. P. 15(a));

WHEREAS, Plaintiffs did not seek leave before filing the amended complaint;

THEREFORE, at Wilmington this 19<sup>th</sup> day of September, 2006, IT IS HEREBY ORDERED that the amended complaint (D.I. 114) is STRICKEN. Should Plaintiffs

decide to seek amendment of the complaint they shall comply with the Federal Rules of Civil Procedure and seek leave before doing so.

  
UNITED STATES DISTRICT JUDGE